



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 17, 2022

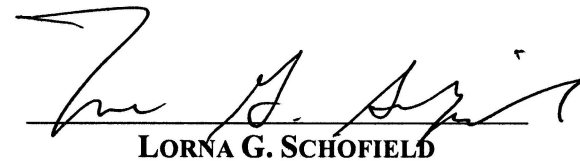
BY ECF

The Honorable Lorna G. Schofield
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Application Granted. The parties shall file a joint status letter by **January 17, 2023**, informing the Court of the status of Defendant's compliance with the terms of his supervised release and their respective positions with respect to the pending specifications including whether a disposition has been reached or if an evidentiary hearing is needed. The Clerk of the Court is directed to terminate the letter motion at docket number 35.

Dated: November 17, 2022
New York, New York

Re: **United States v. James Proudfoot, 18 Cr 438 (LGS)**



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

The Government submits this letter in response to the Court's docket note dated November 10, 2022, Dkt. 34, and to request a sixty-day adjournment in the above-captioned case.

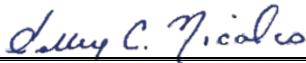
The defendant is currently serving a five-year term of supervised release imposed in the District of Maine on or about January 31, 2014, in connection with his conviction for conspiracy to possess with intent to distribute oxycodone and cocaine. The defendant commenced supervision on or about October 23, 2017. As it relates to his pending violations of supervised release, on or about January 28, 2022, the defendant admitted guilt to specification one described in the Violation Memorandum dated September 15, 2021 (the "V. Mem."), which alleged that the defendant "knowingly and unlawfully possessed narcotics with intent to sell" on or about July 6, 2021. Sentencing was scheduled for November 14, 2022.

On or about November 10, 2022, the Probation Department filed an amended violation memorandum (the "Amended V. Mem.") which alleges that on or about October 14, 2022 the defendant was arrested for criminal possession of a controlled substance in the third degree and criminal sale of a controlled substance in the third degree. *See* Amended V. Mem. at ¶ 9-10. The Government has discussed the allegations with an ADA assigned to the Office of the Special Narcotics Prosecutor ("SNP") who has informed the Government that SNP will be making final charging decisions in this case in the next 30 to 45 days.

The Government has requested case materials from SNP but has not yet received all of the documents, in particular, the relevant lab reports. Based on its evaluation of the information provided by SNP to date, the Government currently anticipates moving forward with the new specifications. Accordingly, the Government requests a 60-day adjournment to allow (i) SNP to finalize charging decisions; (ii) the Government to gather and review the evidence in the SNP case; and (iii) the parties engage in potential disposition discussions.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: 
Ashley C. Nicolas
Assistant United States Attorney

cc: Deveraux Cannick, Esq. (counsel for James Proudfoot) (by email)
Officer Robert Terry-Brooks, Probation Department (by email)